

### III. REMARKS

1. The Abstract is amended. Claim 5 is amended. Claims 17-30 are new.

2. Claims 1, 3, 5, 6 and 9-16 are not anticipated by Aoki under 35 U.S.C. §102(e).

Aoki does not disclose or suggest that responding to a received message includes "inputting a message text for replying to the received message" as recited in claim 1, for example. In Aoki, the user prepares a "question message." (Col. 10, lines 7-8). Once the "question message" is stored, the paging receiver "designates formation of choice contents as answers to this question." (Col. 10, lines 21-24). The user prepares the "answer choices" and adds "answer numbers to the answer choices." (Col. 10, lines 25-30, see also FIG. 20). Thus, the "message" already includes the "answer", which is quite different from Applicants' message exchange session. The first communication terminal comprises first transmission means for converting a message "requesting an answer and answers." (Col. 3, lines 37-39). The recipient then merely selects an answer choice. The recipient does not enter a "message text" for the reply. In Aoki, the system includes "first selection means for selecting an answer number from the answers." (Col. 3, lines 52-53).

Aoki is not at all like Applicant's invention where a complete message text, that is not necessarily dependent on the received message, can be inputted for replying to a received message. Aoki merely allows the "answer" to be selected from a list. The "answer" in Aoki is not a variable "message text" as in Applicant's invention.

Aoki also does not disclose or suggest "adding said inputted reply message text to the received message text, whereby the aggregate message text includes the message exchange session history" as recited in claim 1. What FIGS. 25, 26B, 32-35 show is merely a compilation of answer data, and not message history, as shown for example in FIG. 5, 112-114, of Applicant's specification. Aoki merely describes "first returning means for returning the selected answer number together with the first ID data." (Col. 3, lines 51-55). As is shown in FIGS. 32-35 of Aoki, this merely includes the "question" with the performed response that is selected. In Applicant's invention, as illustrated for example in FIG. 5, the message text is not a preselected answer and the reply message includes "message exchange session history." There is no such message exchange in Aoki. Aoki is merely a question and answer selection from a list. Col. 15, lines 34-39 only states that all answer messages obtained are returned.

Applicant respectfully disagrees that the question and answer messages constitute a "history" as is described and claimed by Applicant. As shown for example in FIG. 5 of Applicant's specification the reply includes prior messages, not just the immediate and current exchange. Aoki merely discloses that a question is sent and the pre-formed answers, as selected, are returned. Such a single exchange fails to establish a message history. "History" as generally defined, relates to past events or records. Aoki does not disclose or suggest that prior questions or prior answers, are displayed. Only the immediate question and immediate answer is shown. In Applicant's invention, all of the messages are shown.

Since at least these features of Applicant's invention are not disclosed or suggested by Aoki, claim 1 cannot be anticipated under 35 U.S.C. §102(e). Claim 3, being directed to similar subject matter in a system claim format, is also not anticipated by Aoki.

Claims 5 and 6 are not anticipated by Aoki under 35 U.S.C. §102(e).

Claim 5 recites means for entering a text input and means for adding the text input text for generating an aggregate message text for replying. This is not disclosed or suggested by Aoki. As previously noted, in Aoki, the user creates the message that includes both the question and the answers. (Col. 10, lines 7-30, Col. 3, lines 37-53). The reply is not a text input as claimed and described by Applicant, and the answer is already a part of the message. Thus, claim 5 cannot be anticipated by Aoki. Claim 6 is not anticipated for similar reasons.

Claims 9-16 are not anticipated by Aoki under 35 U.S.C. §102(e).

Claim 9 recites transmitting the reply from one of the communication terminals to the communication terminals listed on the list. This is not disclosed or suggested by Aoki. Col. 3, lines 29-60 do not teach that a reply from one of the terminals is forwarded to the other terminals. Col. 15, lines 34-39 merely indicates that the "question message" is transferred to the paging receivers. This portion of Aoki does not refer at all to the "answer." Col. 16, lines 49-57 merely indicates that the data returned from the paging receivers IE to IH is returned as "group answers." This portion of Aoki does not disclose or suggest that a reply from one of the terminals is transmitted to the other communication terminals listed on the list as recited

by Applicant in Claim 9. In Aoki, the answers are only returned. The answers are not transmitted to the other terminals as well.

Claim 13 is directed to a terminal with similar subject matter as claim 9. Thus, claim 13 should be allowable for similar reasons.

Claims 10-12 and 14-16 should be allowable at least in view of their respective dependencies.

Also, claim 11 recites that the reply is successively retransmitted to each communication terminal or the list apart from the replying one. Col. 21, lines 30-40 only deals with sending the "question message", not retransmitting the reply or "answer." Col. 28, lines 38-47 also deals only with transmitting the "message requesting an answer" and not retransmitting any reply. Thus, claims 11 and 15 cannot be anticipated under 35 U.S.C. §102(e).

Claim 12 recites that the reply message text is automatically added above the previous message text prior to the retransmission of the reply from one communication terminal to the communication terminals on the list. As noted earlier, Aoki does not disclose or suggest that the "answers" are retransmitted to other terminals on the list. Also, in Aoki, the answers are already part of the message, as was previously discussed. Thus, the reply message text is not automatically added as is claimed and described by Applicant. There is also nothing in Aoki to suggest that any reply message is added "above" that previous message. Furthermore, in Aoki, the "answer" is not a "reply message" as claimed by Applicant. Rather, the "answer" is merely selected from the message or question. Thus, claim 12, as well as claim 16, cannot be anticipated under 35 U.S.C. §102(e).

Claims 2 and 4 are also not unpatentable for similar reasons as stated above, as well as their dependencies on claims 1 and 3, respectively.

3. Claims 7 and 8 are not unpatentable over Aoki in view of Raith under 35 U.S.C. §103(a).

As noted previously, Aoki does not disclose or suggest successively adding received message text from group of communication terminals to the message text in order to update the message text. Rather in Aoki, a question is sent with a list of possible answers, and the selected answer is returned. None of the portions of Aoki cited by the Examiner deal with "successively adding" received message text. The "answer" is already there. Furthermore, there is nothing to suggest in Aoki that prior questions and answers will continue to be presented when a new question and answer is transmitted.

Raith does not overcome the deficiencies of Aoki. Although Raith describes setting up group calls, Raith does not disclose or suggest a "message exchange session" as described and claimed by Applicant. Thus the combination of Aoki and Raith does not disclose or suggest Applicant's invention according to claims 7 and 8.

Furthermore, in order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142). As noted above, Aoki

and Raith alone or in combination do not disclose or suggest each feature of Applicants' invention as claimed. Thus, a *prima facie* case of obviousness cannot be established.

Applicant also submits that there is no suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual contents of Aoki and Raith. The references themselves and/or the knowledge generally available to one of skill in the art does not provide the requisite motivation or suggestion to modify the references as proposed for purposes of 35 U.S.C. §103(a). When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Aoki describes a concept where a paging unit 1Z uses a telephone 2 as a modem for message communication with other paging units 1A-D via a public telephone network 3 (Fig. 2). A paging company manages paging messages by means of a paging control center 4. Aoki therefor describes how paging messages may be exchanged between paging devices connected to a paging network with limited coverage. If the coverage has to be expanded, Aoki describes how to use a terminal 2 as a modem. Raith is directed to group call services using broadcast or point-to-point radio communication resources. (Abstract). Raith is not related to a paging system or getting answers to questions. Thus, it is submitted that there is no motivation or suggestion to combine the references to achieve Applicant's invention. Due to the noted differences, one of skill in the art would not look to Raith from Aoki to achieve Applicant's invention. In view of the legal requirements, the Examiner is requested to provide an indication as to where any

such teaching, suggestion or motivation appears in either of the references. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Aoki and Raith under 35 U.S.C. §103(a) is not established.

Furthermore, the Applicant respectfully notes that Aoki and Raith have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if the references are analogous art. In this case Aoki and Raith are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Aoki describes how paging messages may be exchanged between paging devices connected to a paging network with limited coverage. If the coverage has to be expanded Aoki describes how to use a terminal 2 as a modem.

Raith is directed to group call services using broadcast or point-to-point radio communication resources. (Abstract). Raith is not related to a paging system or getting answers to questions. Thus, it is submitted that there is no motivation or suggestion to combine the references to achieve Applicant's invention.

Applicant's invention relates to wireless terminals, e.g. cellular phones, being prepared for voice communication as well as message communication. This has the benefit that the "chat" messaging services can be implemented without any requirements to new network equipment. Furthermore, the network coverage will

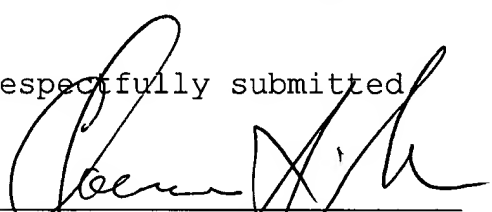
from day one be in the range of 95% of Europe and will be supported even if the chat participant are sited in Italy, Norway and Spain, respectively.

Thus, Aoki and Raith do not address the problems addressed by Applicant's invention. Since Aoki and Raith are not in the same field of endeavor as Applicant's endeavor and are not reasonably pertinent to the particular problem with which Applicant was concerned, Aoki and Raith are not analogous art and may not properly be combined to establish a *prima facie* case of obviousness over Applicant's invention under 35 U.S.C. §103(a).

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$180. is enclosed for additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted

  
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